

U.S. Department of Justice

United States Attorney
Western District of New York

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PRESS RELEASE

February 13, 2004

RE: UNITED STATES v. CHARLES ELLINGTON

United States Attorney Michael A. Battle announced today the filing of a criminal complaint charging **Charles Ellington**, age 35(01/20/69) of 414 Avery St., Rochester, New York with making a false statement during a bankruptcy proceeding in violation of Title 18, United States Code, Section 152(2), carrying a maximum penalty of 5 years in prison and a fine of \$250,000, or both.¹

Assistant U.S. Attorney Richard A. Resnick stated that the charges arise as a result of the defendant's filing in the United States Bankruptcy Court a petition for involuntary bankruptcy against the former acting manager of the Monroe County Child Support Enforcement Unit. The complaint alleges that on January 23, 2004, Charles Ellington filed an involuntary petition for bankruptcy against Susan L. Walsh. In that petition, the defendant made several statements including a statement that the defendant had a claim against Ms. Walsh in the amount of one million dollars. In the

¹ It should be noted that the fact that a defendant has been charged with a crime . . . is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

papers filed in that bankruptcy proceeding, the defendant is identified as a child support debtor with four child support orders being enforced by the child support enforcement unit. The papers further revealed that a defendant's driver's license was suspended and bank accounts stayed by the child support enforcement unit in furtherance of the collection efforts. The papers also reflect that the defendant sought to discharge his child support debt by claiming that he is a sovereign entity and by claiming that the debt was discharged because the defendant took a default judgment from Ms. Walsh. The papers do not indicate that the default judgment issued from a state or federal court, although the papers do refer to an "International Tribunal."

The criminal complaint alleges that on or about January 23, 2004, the defendant stated under oath in a document entitled "Involuntary Petition" in the case of *In Re Susan L. Walsh, Debtor*, Bankruptcy Docket No 04-20240, that he had a claim against Susan L. Walsh valued at one million dollars, whereas, as the defendant then knew that the statement made was false. Specifically, on February 10, 2004, under oath in United States Bankruptcy Court, the defendant stated that Susan L. Walsh did not owe the defendant one million dollars.

Assistant U.S. Attorney Resnick stated that the filing of this criminal complaint reflects the long-standing policy of the United States Attorney's Office to vigorously investigate and prosecute all manner and attempts to misuse the judicial resources of the federal courts. In this particular case, the filing of the involuntary bankruptcy petition against Ms. Walsh resulted in pecuniary harm to Ms. Walsh. The rapid completion of an investigation and initiation of felony charges is intended to discourage

individuals from making false and misleading statements in the future in connection with bankruptcy and other federal court filings.

The complaint was the culmination of an investigation by the Federal Bureau of Investigation, under the direction of Peter Ahearn, Special Agent in Charge.

Assistant U.S. Attorney Tiffany Lee will be handling the trial in the case.

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